

1                   **IN THE UNITED STATES DISTRICT COURT**  
2                   **FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**  
3                   **SOUTHERN DIVISION**  
4

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6           **ALLEN DOUGLAS HALE, III,**  
7           **Plaintiff,**

8           **VERSUS**                   **CIVIL ACTION NO: 1:16-cv-113-LG-RHW**

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10          **CITY OF BILOXI, MISSISSIPPI;**  
11          **KENNETH GARNER, Individually;**  
12          **DARREN LEA, Individually; and**  
13          **JOHN AND JANE DOES 2-10,**  
14          **Individually,**  
15          **Defendants.**

16  
17                   **DEPOSITION OF ROBERT McKEITHEN**

18           Taken at Biloxi Public Safety Building,  
19           170 Porter Avenue, Biloxi, Mississippi,  
20           on Monday, April 3, 2017, beginning  
21           at 5:09 p.m.  
22  
23  
24  
25

1           A.    That decision was made once we got  
2 there.

3           Q.    When y'all were discussing this at  
4 Southern Tire, tell me exactly what y'all  
5 discussed doing.

6           A.    Pretty much asking me what area was the  
7 area the RV was at.

8           Q.    So more locating this particular RV?

9           A.    Right.

10          Q.    There weren't any talks about you're  
11 specifically going to do this, I'm specifically  
12 going to do this, anything like that?

13          A.    I can't specifically actually remember  
14 exactly who was going to do what. They're the two  
15 sergeants, and they're over me.

16          Q.    Okay. Was there any indication at  
17 Southern Tire at that point in time that Mr. Hale,  
18 you know, might be armed and dangerous?

19          A.    No.

20          Q.    All right. Now, when y'all arrived, you  
21 said you went east. So you're looking at the  
22 front of the RV when y'all are walking; is that  
23 correct?

24          A.    Correct.

25          Q.    And so you went to the east, which would

1 They were in front of the door. I couldn't speak  
2 for them.

3 Q. When the firearm went off, could you  
4 clearly hear that?

5 A. I heard a loud bang. That's for sure.

6 Q. You weren't mistaken whatsoever about  
7 what that was?

8 A. I wasn't mistaken about that.

9 Q. Could you hear the TASER, as well?

10 A. I heard what sounded like two shots. A  
11 loud (demonstrating). It was almost like that.

12 Q. But the TASER's loud enough where you  
13 can actually hear it?

14 A. Yes. The TASER, some of them will go  
15 off and it sounds like a very loud gunshot.

16 Q. Can you distinguish between the two?  
17 For instance, if you had your eyes closed that  
18 night, could you tell whether it was a gunshot or  
19 TASER?

20 A. No.

21 Q. And is that due to just the similar  
22 sound with the TASER and the gunshot, or is that  
23 due to, you know, sounds, plus the traffic going  
24 by and everything else? Let me rephrase that. If  
25 we were just in this room right here and you

1 closed your eyes and we shot them simultaneously,  
2 could you distinguish between the two?

3 A. No.

4 Q. Let me ask you, when did you interview  
5 with Shelby Smith; do you recall?

6 A. I believe that was the following day or  
7 the day after.

8 Q. And was that at the Biloxi Police  
9 Department, as well?

10 A. Yes.

11 Q. And do you recall if anytime in between  
12 your interview with Investigator Shoemaker and the  
13 time you began interviewing with Shelby Smith,  
14 whether or not you had spoken with anybody else  
15 about the case?

16 A. No.

17 Q. Did you ever speak to the media?

18 A. No.

19 Q. Do you know if anybody else spoke to the  
20 media?

21 A. I have no idea about that.

22 Q. Did you see the media at the scene that  
23 night?

24 A. No.

25 Q. You were gone by the time they got